

AMENDED IN ASSEMBLY APRIL 24, 2013

AMENDED IN ASSEMBLY APRIL 10, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 274

Introduced by Assembly Member Bonilla

February 11, 2013

An act to add Sections 8221.5, 8227.3, and 8262.3 to the Education Code, relating to child care and development services.

LEGISLATIVE COUNSEL'S DIGEST

AB 274, as amended, Bonilla. Child care and development services.

~~The~~

(1) *The* Child Care and Development Services Act, administered by the State Department of Education, provides that children up to 13 years of age are eligible, with certain requirements, for child care and development services. The act requires the department to contract with local contracting agencies to provide for alternative payment programs, and authorizes alternative payment programs for services provided in licensed centers and family day care homes and for other types of programs that conform to applicable law.

This bill would require child care providers authorized to provide services pursuant to those provisions to submit to the alternative payment program a monthly attendance record or invoice for each child who received services that documents certified needs and hours of care provided. The bill would require the monthly attendance record or invoice to be ~~verified under penalty of perjury~~ *signed* by the parent or guardian of the child receiving services and ~~by the child care provider~~

once per month to attest that the child's attendance is accurately reflected. The bill would require that the verification be made by signature ~~or other ascertainable means~~; *and signed, as of the end of each month and under penalty of perjury, by both the parent or guardian and the child care provider.* By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. *The bill would require alternative payment providers to accept the monthly attendance record or invoice as documentation of the certified need and hours of care provided.*

The bill would also authorize alternative payment programs and providers to maintain records electronically, including, but not limited to, child immunization records.

~~Existing~~

(2) *Existing* law authorizes the Superintendent of Public Instruction to enter into and execute local contractual agreements with any public or private entity or agency for the delivery of child care and development services related to the delivery of child care and development services or the furnishing of property, facilities, personnel, supplies, equipment, and administrative services related to the delivery of child care development services.

This bill would require the department, on and after January 1, ~~2015~~, 2016, at the request of a contractor, to request the Controller to make payments via direct deposit by electronic fund transfer, as specified.

~~The~~

(3) *The* California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8221.5 is added to the Education Code,
- 2 to read:
- 3 8221.5. (a) Child care providers authorized to provide services
- 4 pursuant to this article shall submit to the alternative payment
- 5 program a monthly attendance record or invoice for each child

1 who received services that documents certified needs and hours
2 of care provided.

3 (b) The monthly attendance record or invoice shall ~~be verified,~~
4 ~~under penalty of perjury, be signed~~ by the parent or guardian of
5 the child receiving services, ~~and by services and the child care~~
6 ~~provider, provider~~ once per month to attest that the child's
7 attendance is accurately reflected. The verification shall be made
8 by signature ~~or other ascertainable means; and signed, as of the~~
9 ~~end of each month of care and under penalty of perjury, by both~~
10 ~~the parent or guardian and the child care provider.~~

11 (c) The monthly attendance record may be maintained by the
12 child care provider in original format or electronically.

13 (d) *The alternative payment provider shall accept the monthly*
14 *attendance record or invoice as documentation of the certified*
15 *need and the hours of care provided.*

16 SEC. 2. Section 8227.3 is added to the Education Code, to
17 read:

18 8227.3. (a) Alternative payment programs and providers
19 operating or providing services pursuant to this article may
20 maintain records electronically, subject to compliance with
21 necessary state and federal auditing requirements. Records that
22 may be maintained electronically include, but are not limited to,
23 the following:

- 24 (1) Child immunization records.
25 (2) Parental job verification records.
26 (3) Parent income verification.
27 (4) Parent school or training verifications and attendance
28 records.

29 (b) Nothing in this section requires an alternative payment
30 program to maintain records electronically.

31 SEC. 3. Section 8262.3 is added to the Education Code, to
32 read:

33 8262.3. On and after January 1, ~~2015, 2016~~, at the request of
34 a contractor, for a contract executed by the department pursuant
35 to Section 8262, the department shall request the Controller to
36 make a payment via direct deposit by electronic fund transfer into
37 the contractor's account at the financial institution of the
38 contractor's choice.

39 SEC. 4. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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